

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Yasir Mehmood,

Case No.: 2:18-cv-00531-JAD-NJK

Petitioner

## **Order Dismissing Petition and Closing Case**

V.

[ECF Nos. 1, 1-1, 3]

U.S. Attorney General, et al.,

## Respondents

Pro se petitioner Yasir Mehmood petitions for a writ of habeas corpus under 28 U.S.C. § 2241, challenging his continued detention by United States Immigration and Customs Enforcement (ICE) with no bond hearing.<sup>1</sup> He also applies to proceed *in forma pauperis*.<sup>2</sup>

When an alien is held in custody under 8 U.S.C. § 1226(a), he is entitled to a bond hearing before an Immigration Judge (IJ) while his petition for review of the removal order is pending.<sup>3</sup> If he is dissatisfied with the IJ's bond determination, he may file an administrative appeal so that "the necessity of detention can be reviewed by . . . the [Board of Immigration Appeals]" (BIA).<sup>4</sup> If he remains dissatisfied, he may file a petition for habeas corpus in the district court.<sup>5</sup>

Mehmood alleges that on February 22, 2018, the BIA remanded his case to the IJ to reconsider his bond request.<sup>6</sup> Mehmood therefore alleges that he has not yet exhausted his administrative remedies. Accordingly, IT IS HEREBY ORDERED that Mehmood's application to proceed *in forma pauperis* [ECF No. 1] is **DENIED as moot**.

<sup>1</sup> ECF No. 1-1.

2 ECF No. 1.

<sup>3</sup> See *Casa-Castrillon v. Dep't of Homeland Sec.*, 535 F.3d 942, 951 (9th Cir. 2008).

<sup>4</sup> *Prieto-Romero v. Clark*, 534 F.3d 1053, 1059 (9th Cir. 2008).

<sup>5</sup> See *Singh v. Holder*, 638 F.3d 1196, 1200–03 (9th Cir. 2011).

<sup>6</sup> ECF No. 1-1 at 3

1 The **Clerk of Court** is directed to **DETACH and FILE** the petition [ECF No. 1-1].

2 IT IS FURTHER ORDERED that the petition is **DISMISSED** without prejudice to

3 Mehmood's ability to file a new, separate petition, and a fully complete application to proceed *in*  
4 *forma pauperis*—including the required financial statements—after he has exhausted his  
5 administrative remedies.

6 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

7 IT IS FURTHER ORDERED that Mehmood's motion to clarify indigency request [ECF  
8 No. 3] is **DENIED as moot**.

9 The **Clerk of Court** is directed to **ENTER JUDGMENT accordingly and CLOSE**  
10 **THIS CASE**.

11 Dated: April 13, 2018

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13 U.S. District Judge Jennifer A. Dorsey

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